



2871

PATENT
ATTORNEY DOCKET NO. 053785-5022

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Hyo-Jin KIM) Confirmation No. 9633
Application No.: 09/892,789) Group Art Unit: 2871
Filed: June 28, 2001) Examiner: J. Di Grazio
For: LIQUID CRYSTAL DISPLAY DEVICE)
HAVING REMOVABLE PRINTED)
CIRCUIT BOARD)

Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT TRANSMITTAL

1. Transmitted herewith is a Response to Election/Restriction Requirement responding to the requirement in the Office Action mailed January 14, 2004.
2. Additional papers enclosed:

- Drawings: Formal Informal
- Request for Approval of Drawing Changes
- Information Disclosure Statement
- Form PTO-1449, 1 reference included
- Citations
- Declaration of Biological Deposit

[] Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

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3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

[X] Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

[] Applicants petition for an extension of time, the fees for which are set out in 37 CFR § 1.17(a), for the total number of months checked below:

Total Months <u>Requested</u>	Fee for <u>Extension</u>	[Fee for Small Entity]
[] one month	\$ 110.00	\$ 55.00
[] two months	\$ 400.00	\$200.00
[] three months	\$ 920.00	\$460.00
[] four months	\$1,440.00	\$720.00

Extension of time fee due with this request: \$___.

If an additional extension of time is required, please consider this a Petition therefor.

[] An extension for ___months has already been secured and the fee paid therefor of \$_____ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

[X] **EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

CLAIMS AS AMENDED						
	Claims Remaining After Amendment		Highest No. Previously Paid	Present Extra	at Rate of	Total Fees
Total Claims (37 C.F.R. §1.16(c))	20	minus	20	0	x \$18 each=	+ \$ 0.00
Independent Claims (37C.F.R. §1.16(b))	7	minus	3	0	x \$84 each=	+ \$ 0.00
[] First presentation of Multiple dependent claim(s)					\$280.00	+ \$ 0.00
SUB-TOTAL =						\$ 0.00
Reduction by ½ for filing by a small entity						- \$ 0.00
TOTAL FEE =						\$ 0.00

6. Fee Payment

[X] No fee is to be paid at this time.

[] Check in the amount of \$ _____ (for a one-month extension of time) is enclosed. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.

[] Please charge Deposit Account No. 50-0310 the amount of \$ _____ for a one-month extension of time. The Commissioner is hereby authorized to charge any additional extension of time fee or additional fee for claims due to Deposit Account No. 50-0310.

[X] The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 CFR §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: 
David B. Hardy
Reg. No. 47,362

Dated: February 17, 2004

Customer Number 009629

MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
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202-739-3000



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RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

In response to the restriction requirement set forth in the Office Action mailed January 14, 2004, the period for response to which extends through February 17, 2004 (January 14, 2003 being a Saturday and January 16, 2004 being a Federal Holiday), Applicant hereby elects Specie I (identified by the Examiner as claims 1-11) with traverse. Applicant respectfully traverses the Election of Species Requirement because the Election of Species Requirement failed to indicated that any claim was held to be generic and improperly considered the allegedly different Species of the invention.

Applicant respectfully asserts that claim 1 is generic to each of the Species I and II. In fact, claim 1 must be readable on Specie II because claim 12 (which belongs to Specie II) depends from claim 1. Accordingly, Applicant respectfully requests reconsideration of the Election of Species Requirement to correctly identify that claim 1 is generic to the Species I and II.

As noted in the Office Action, upon the allowance of a generic claim, Applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. Accordingly, upon allowance of generic claim 1, Applicant will be entitled to consideration of claim 12-14 that correspond to specified Species II.

Additionally, Applicant further traverses the Election of Species Requirement because, as instructed by MPEP § 806.04(e), “[c]laims are definitions of inventions. *Claims are never species.* Claims may be restricted to a single disclosed embodiment (i.e., a single species, and this be designated a *specific species claims*), or a claim may include two or more of the disclosed embodiments within the breadth and scope of definition (and thus be designated a *generic or genus claim*).” Accordingly, Applicant respectfully submits that FIG. 5 may be considered an embodiment that is generic to embodiments shown in FIGs. 6-15B.

Thus, Applicant respectfully requests that the examination of claims 1-20 be continued, especially in view of the fact that claims 1-20 have been examined on their merits over the past three (3) Office Actions spanning over fifteen (15) months.

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Except for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

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